

Today, our client has heard the Public Prosecutor demand a lifelong prison sentence.

Considering the scale of the disaster that happened on 17 July 2014, such a demand is understandable. Nothing can outweigh the indescribable consequences of the disaster. How heavy and great these consequences are, was heard during the speeches of the victim's relatives who have made use of their right to address the court. Those stories have made it even clearer how extremely sad the losses are. Our client is also very touched by this and attaches great importance to offer his condolences through us today, in addition to the video in which he already expressed this himself.

Our task is and remains not only to look at the consequences of the disaster. There are more questions for the defense. Among other things, **the question of whether the suspicion against our client can be proven.**

Contrary to what the Public Prosecution Service states, **our client is indeed trying to get the truth out.** He also does this by asking us to turn over every stone in relation to the investigation and by answering the questions that the Public Prosecution Service had sent to Russia, in a video statement. He does this by answering the question posed by the court accurately and extensively, and by providing the information that he does possess.

He cannot be blamed for not having 'the' answers to the question of how or why MH17 was brought down. He has already said: that he simply does not have those answers. How can someone that doesn't have certain information, be required to provide that information?

Our client doesn't have the answers; **the Public Prosecution Service does not have those answers either.** Even after all these years of investigation, the Public Prosecution Service does not know who pressed a button, the Public Prosecution Service does not know who gave the order and why a button was pressed. The Public Prosecution Service furthermore doesn't know what kind of BUK supposedly was used. While we have explicitly requested about that question, because that can be crucial for, for example, the question of whether a BUK theoretically could have hit MH17 from that field.

Unlike our client, **the Public Prosecution Service does pretend to know** that MH17 was shot down with a BUK less from a certain field by the separatists, and that our client would have contributed to this. Wrongly. The Public Prosecution Service is not sure; after seven years of

investigation, the case is not as clear, and much weaker than the Public Prosecution Service makes it seem.

This pretended certainty claimed by the Public Prosecutor, does not help; at least not those who are interested in the truth. Amongst whom, our client. Unfortunately, it is not surprising: for years the Public Prosecution Service and JIT have been proclaiming, publicly, in word and image, what supposedly has happened and how certain they supposedly are.

The court did not want to grant requests to enable the defense to check the working methods of the Prosecution. However, we do not have that confidence without boundaries in the working methods of the Public Prosecution Service. **During our plea**, probably in March 2022, we will explain how wrong the investigation was. How dangerous it is if the outcome of a criminal investigation is already 'determined' for the Public Prosecutor before an investigation has really got off the ground, how harmful that is for the reliability of its results, and how unjustified the alleged certainty about those outcomes is. During our pleading, we will therefore discuss that the evidence presented is unreliable and/or incomplete, that other evidence has been exposed unilaterally, that other important information has not been disclosed or has itself been unlawfully withheld. We will, during our plea, request the court with confidence to **acquit** our client and we have faith in the right outcome.

22 December 2021,

B.C.W. van Eijck and A.S. ten Doesschate